

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JOHN WELDON BURNS,

**Plaintiff**

v.

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CIVIL ACTION NO. 1:07CV7  
(Judge Keeley)

MS. BLANCO, Health Services Assistant,  
et al.

**Defendants.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On January 17, 2007, pro se plaintiff, John Weldon Burns, ("Burns") filed a complaint pursuant to 28 U.S.C. § 1983. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09.

On April 16, 2008, Magistrate Judge Seibert issued an R&R recommending that this Court dismiss Burns's complaint, grant the defendants' motion to dismiss, and deny Burn's motion to dismiss as moot. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Burns failed to file any objections.<sup>1</sup>

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 42), **GRANTS** the defendants' motion to

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<sup>1</sup> Burns's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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dismiss (dkt. no. 26), **DENIES AS MOOT** Burns's motion to dismiss (dkt. no. 36), and **DISMISSES** this case **WITH PREJUDICE**. The Clerk is ordered to **STRIKE** this case from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro  
se petitioner, certified mail, return receipt requested, and to  
transmit copies of this Order to counsel of record.

Dated: June 17, 2008.

/s/ Irene M. Keeley

IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE